

DEC 11 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SALVADOR JIMENEZ-GARCIA; et al.,

Petitioners,

v.

MICHAEL B. MUKASEY,
Attorney General,

Respondent.

No. 08-73558

Agency Nos. A096-342-420
A096-342-421

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 1, 2008^{**}

Before: GOODWIN, CLIFTON and BEA, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")
order denying petitioners' motion to reconsider and reopen removal proceedings.

^{*} This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

We have reviewed the record and petitioners' response to the order to show cause and conclude that the questions raised in this petition are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). A motion to reopen must provide new evidence, and a request for reconsideration must be predicated upon legal or factual error. *See* 8 U.S.C. § 1229a(c)(6)(C) & (7)(B); 8 C.F.R. § 1003.2(b) & (c)(1). Because petitioners' motion failed to meet those requirements, the BIA did not abuse its discretion in denying petitioners' motion to reopen and reconsider. *See Perez v. Mukasey*, 516 F.3d 770, 773 (9th Cir. 2008).

Accordingly, this petition for review is denied.

All other pending motions are denied as moot. The temporary stay of removal shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.